



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

JUNE 2, 2014

Regular meeting of the City Council held on Monday, JUNE 2, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy and Landers. Meeting adjourned at 8:30 PM.

ORDERED: That the minutes of the City Council meeting MAY 19, 2014, **TABLED**; adopted.

Councilor Oram abstained

ORDERED: That the **PUBLIC HEARING** On the Proposed Zoning Ordinance, Medical Marijuana Treatment Centers, Order No. 13/14-1005247E, all were heard who wish to be heard, hearing recessed at 8:02 PM.

Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.

ORDERED: That the Free Cash transfer requests in the amount of \$1,000,000.00 each which moves funds from Undesignated to Stabilization-OPEB and Undesignated Stabilization to strengthen the City's financial foundation through proactive investments to the OPEB and for an upcoming short term capital request, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2014		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$3,034,441.00	\$1,000,000.00	10000	35900	Undesignated Fund	\$1,000,000.00	83600	32925	Undesignated Stabilization	\$7,240,668.34	
	Reason:	To increase undesignated stabilization funds								
	\$1,000,000.00	Total			\$1,000,000.00	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2014		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$3,034,441.00	\$1,000,000.00	10000	35900	Undesignated Fund	\$1,000,000.00	83600	32726	Stabilization-OPEB	\$4,000,000.00	
	Reason:	Partial funding of OPEB								
	\$1,000,000.00	Total			\$1,000,000.00	Total				

ORDERED: That the Marlborough Economic Development Corporation (MEDC) transfer request in the amount of \$513,915.00 which moves funds from Economic Development to MEDC Funding to fully fund their FY2015 operations, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2014		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$687,196.72	\$513,915.00	27000099	42440	Economic Development	\$513,915.00	11740006	53950	MEDC Funding	\$0.00	
	Reason:	To allow the MEDC to continue it's work in promoting the economic development of the City for FY15								
	\$513,915.00	Total			\$513,915.00	Total				

ORDERED: That the Comp Time Payouts as noted on the attached spreadsheets, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Various				FISCAL YEAR:	2014		
		FROM ACCOUNT:				TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available
Balance									Balance
\$521,561.00	\$31,649.00	11990006	57820	Reserve for salaries	\$332.00	89000	17915	Retirement-Clerk	\$0.00
	Reason:	Comp Time Payoff			\$343.00	11520001	50532	Personnel Assistant	\$3,925.23
					\$101.00	11520002	50775	Personnel-Sr Clerk	\$3,286.99
					\$446.00	14001001	50630	DPW-Asst Commissioner	\$7,317.67
					\$1,983.00	14001101	50660	Asst City Engineer	\$6,590.87
					\$654.00	14001101	50700	Grade 2 Engineer	\$7,862.81
					\$513.00	14001101	50710	Jr Civil Engineer	\$15,731.08
					\$2,728.00	14001301	50660	Streets-Asst City Eng	\$6,590.85
					\$4,032.00	14001301	50690	Streets-Foreman	\$21,462.64
					\$18,582.00	14001303	50740	Streets-Equip Operators	\$100,593.85
					\$149.00	14001303	50790	Streets-Dispatcher	\$3,399.78
					\$1,302.00	14001403	50745	Fleet-Motor Repairmen	\$12,495.96
					\$14.00	14001403	50760	Fleet-Working Foreman	\$4,362.16
					\$470.00	14001501	50690	Parks-Foreman	\$43,270.71
	\$31,649.00	Total			\$31,649.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
	DEPT:	Various					FISCAL YEAR:	2014	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$521,561.00	\$56,214.00	11990006	57820	Reserve for salaries	\$11,752.00	14001503	50740	Parks-Equip Operators	\$143,828.56
	Reason:	Comp Time Payoff			\$6,072.00	15120001	50390	BOH-Nurse	\$4,838.10
					\$3,113.00	60080001	50570	Sewer-Chemist	\$5,837.98
					\$169.00	60081001	50750	ETP-Equip Operators	\$4,165.32
					\$11,628.00	60081001	50850	ETP-Tr Plt Operators	\$25,233.16
					\$567.00	60081001	50910	ETP-Head Operator	\$5,909.63
					\$26.00	60085001	50750	WTP-Equip Operators	\$5,186.07
					\$5,555.00	60085001	50850	WTP-Tr Plt Operators	\$23,150.18
					\$908.00	60085001	50910	WTP-Head Operator	\$5,916.89
					\$1,354.00	61090001	50460	Water Meter Reader	\$4,165.32
					\$6,471.00	61090001	50690	Water-Foreman	\$18,439.13
					\$5,849.00	61090001	50740	Water-Equip Operators	\$107,105.32
					\$2,750.00	61090001	50780	Chief Pumping Station	\$5,365.66
	\$56,214.00	Total			\$56,214.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
	DEPT:	Various					FISCAL YEAR:	2014	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$521,561.00	\$55,599.00	11990006	57820	Reserve for salaries	\$27,075.00	14920001	50166	Recreation-Prog Mgr	\$4,273.12
	Reason:	MMEA - Comp Time Payoff			\$11,461.00	11330002	50062	Treasurer-Finance Asst	\$14,081.10
					\$7,048.00	14001002	50520	DPW-Principal Clerk	\$3,719.16
					\$3,484.00	61090002	50520	Water-Principal Clerk	\$3,719.16
					\$3,333.00	12410002	50770	Bldg-Senior Clerk	\$13,230.14
					\$2,209.00	12410001	50370	Bldg-Plumbing Inspec	\$4,983.03
					\$493.00	14001002	50550	DPW-Head Clerk	\$4,184.55
					\$232.00	16100003	50860	Library-F/T Clerk	\$2,319.94
					\$146.00	15120002	50770	BOH-Senior Clerk	\$3,180.47
					\$118.00	16100001	50471	Library-Yound Adult Libr	\$3,753.12
	\$55,599.00	Total			\$55,599.00	Total			

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2015, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

- (a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and
- (c) the Commissioner of Public Facilities shall be the only officer authorized to approve expenditures from the same; and
- (d) the Commissioner of Public Facilities shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (e) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2015 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (e) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Dow Chemical Company Gift awarded to the City of Marlborough in the amount of \$1,000.00 to be utilized for general purposes associated with maintaining and beautifying the City.

Councilor Clancy abstained

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2015, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Appointments of Ryan Wambolt and Santiago Vergas as youth appointees to the Youth Commission for terms of one year from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: SanDisk TIF, in proper legal form, **MOVED TO ITEM 36**; adopted.

ORDERED: That the Communication from Paul DiTuillo re: Lacombe Street Extension Acceptance, refer to **PUBLIC SERVICES COMMITTEE, PLANNING BOARD AND CITY SOLICITOR**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 7, 2014** as date for a **PUBLIC HEARING** on the Petition from NStar to install 105' of 4" plastic gas main as a system improvement to 31 Wellington St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 7, 2014** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon to propose installation of new joint owned stub pole #55-84 on public property. Pole will be set approximately 42' from existing joint owned pole #33. NGrid proposes installation of new joint owned anchor to be set in back of new Pole 55-84 to help support stub pole. Pole 55 currently has tree guy attached from Pole 55 to tree at 479 Hosmer St. that is to be removed. Customer requested to remove the tree guy, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 7, 2014** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon to relocate Pole 1, 2, 3, 4, and 12 on Simarano Dr. to accommodate City of Marlborough widening project, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 7, 2014** as date for a **PUBLIC HEARING** Petition of NGrid and Verizon to relocate Pole 22 and install new guy P21-84 to accommodate City of Marlborough widening project, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Investigation of Resident Complaints during May and June, **FILE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project Treatment of Areas where Mosquito Larvae are found, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, March 12, 2014, **FILE**; adopted.

Councilor Oram abstained

ORDERED: That the Minutes, Board of Assessors, April 9, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, April 30, 2014, **FILE**; adopted.

ORDERED: That the following CLAIM, refer to the **LEGAL DEPARTMENT**; adopted.

- A. Downtown Marlborough LLC, 17 Weed St., other property damage and/or personal injury

There were no reports of Committee.

ORDERED: That the Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St., **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Secondhand Article Dealer's License, Theresa Denoncourt Smith, Hint of Class Consignment, 72A-B Hosmer St., **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer License, Jean Rabelo, Post Road Used Auto Parts of Marlborough, Inc., 785 Boston Post Road, **APPROVED**; adopted.

ORDERED: That the Application for for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd., **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Secondhand Article License, Mary Giorgi, Giorgi's Consignment Boutique, 266 Main St., **APPROVED**; adopted.

MOTION made by Councilor Delano to table – DOES NOT CARRY

ORDERED: That the Application for Renewal of Junk Dealer's License by Robert Hoglund, CFO TVI, Inc. d/b/a Savers, 222A East Main St., **APPROVED**; adopted.

Councilors Delano, Elder and Pope requested to be recorded in opposition.

ORDERED: That the Application for Renewal of Junk Dealer's License, Michael Komapovsky, d/b/a Aaarus Art Gallery, 305 Lincoln St., **APPROVED**; adopted.

ORDERED: That the Building Department transfer request in the amount of \$75,000.00 which moves funds from Undesignated to Contract Services pertinent to mitigation funds for AvalonBay, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$75,000.00

Undesignated Fund

TO:

Acct. # 12410004-53140 \$75,000.00

Contract Services

ORDERED: That the Fire Department transfer request in the amount of \$132,246.17 of which \$82,246.17 is necessary for retirements and remaining balance will fund necessary OT associated with absences, **APPROVED**; adopted.

FROM:

Acct. # 12200001-50450 Firefighter \$132,246.17

TO:

Acct. # 12200003-51920 Sick Leave Buy Back \$82,246.17
 Acct. # 12200003-51300 Overtime \$50,000.00

ORDERED: That the Comptroller's Office transfer request in the amount of \$295,000.00 which moves funds from Salary & Benefits Reserve to Medicare Ins.-School, Medicare Ins.-City and Workers Comp. Ins. for the purpose of covering anticipated expenses linked to cost of living or step increases in salary, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
DEPT:		Comptroller				FISCAL YEAR:		FY 2014		
		FROM ACCOUNT:						TO ACCOUNT:		
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	Balance
\$521,561.00	\$35,000.00	11990006	57820	Reserve for Salaries & Ben.	\$35,000.00	13100003	51753	Medicare Ins - School	\$119,651.10	
Reason:		Money available for transfer						Money needed to pay medicare insurance		
\$521,561.00	\$125,000.00	11990006	57820	Reserve for Salaries & Ben.	\$125,000.00	11980006	51752	Medicare Ins - City	\$14,812.11	
Reason:		Money available for transfer						Money needed to pay medicare insurance		
\$521,561.00	\$135,000.00	11990006	57820	Reserve for Salaries & Ben.	\$135,000.00	11960006	51710	Worker's Comp. Ins.	\$388,851.59	
Reason:		Money available for transfer						Money needed to pay estimated claims		
	\$295,000.00	Total			\$295,000.00	Total				

ORDERED: That the DPW transfer requests in the amounts of \$30,000.00 and \$22,000.00 which moves funds from and to various accounts noted on the attached spreadsheets to fund OT costs for the purpose of flushing valves and hydrants and funding major repairs to a street sweeper, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2014		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$27,388.12	\$25,000	60081006	52464	Rep./Maint. Easterly Plant	\$25,000	61090003	51310	Water Overtime-Reg.	\$25,829	
Reason:		Money available from East Plant Budget to transfer to Water Overtime Account.				No money is available for overtime hydrant flushing. Flushing will cost over \$ 28,000.00. Overtime remaining is needed for rest of FY 14				
\$8,213.11	\$5,000	60081006	52420	Rep./Maint. Machinery	\$ 5,000.00	61090003	51310	Water Overtime-Reg.	\$25,829	
Reason:		Money available from East Plant Budget to transfer to Water Overtime Account.				No money is available for overtime hydrant flushing. Flushing will cost over \$ 28,000.00. Overtime remaining is needed for rest of FY 14.				
	\$30,000	Total			\$30,000	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Department of Public Works				FISCAL YEAR:		2014		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$100,076	\$22,000	14001406	54830	Fuel and Lubricants	\$22,000	14001406	54810	Rep/Maintenance Sup.-Veh.	\$4,752	
Reason:		Surplus anticipated due to fluxuating fuel cost this fiscal year				Anticipated cost for major repairs associated with sweeper #19				
	\$22,000	Total			\$22,000	Total				

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Atlantic Management Gift awarded to the City of Marlborough in the amount of \$30,000.00 pertinent to "Simarano Drive all Access Road Project"; adopted.

ORDERED: Ordered: That \$6,000,000 (six million and 00/100 dollars) is appropriated for the purpose of financing upgrades and improvements to the Millham Water Treatment Plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Comptroller/Treasurer with the approval of the Mayor is authorized to borrow \$6,000,000 and issue bonds or notes therefor under Chapter 44, Section 8 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the City unless the Comptroller/Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that the Comptroller/Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust (the "Trust") established pursuant to Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project, **APPROVED**; adopted.

Yea: 11- Nay: 0

Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: That the SanDisk Corporation TIF proposal, consisting of the following 5 documents, attached hereto, **APPROVED**; adopted.

1. The Council Resolution
2. The Economic Opportunity Area (EOA) Designation Application
3. Tax Increment Financing Plan & Zone
4. Tax Financing Agreement between City of Marlborough, SanDisk Corporation and BGI Holings III, LLC
5. Economic Development Incentive Program (EDIP) Application

Yea: 11- Nay: 0

Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Oram, & Robey

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:30 PM.